



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 3610-99
26 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 17 June 1970 at the age of 17. Your record shows that you served for nearly a year without incident but on 11 May 1971 you submitted a written request for an undesirable discharge for the good of the service in lieu of trial by court-martial for a five day period of unauthorized absence (UA) and failure to obey a lawful order to report aboard your ship. Subsequently, your request was granted and your commanding officer was directed to issued you an other than honorable discharge. On 15 June 1977 you were so discharged.

Your record reflects that on 13 September 1977, under the Department of Defense Discharge (DOD) Special Discharge Review Program (SDRP), the characterization of your undesirable discharge was changed to general under honorable conditions. However, this recharacterization does not entitle you to benefits administered by the Department of Veterans' Affairs (DVA).

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded so that you may receive veteran's benefits. However, the Board found the evidence and materials submitted were not sufficient to warrant any favorable action because of your misconduct which resulted in your request for an undesirable discharge. The Board noted that your characterization of service was changed to general under honorable conditions under the provisions of SDRP, but concluded that a further change, which would make you eligible for DVA benefits, was not warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director